

Attorney General Charges Wildes With Fraud Asks to Set Aside Court Order Granting Salary

MOTION IS ALSO MADE ASKING TO SET ASIDE ORDER GRANTING SALARY RECEIVER'S ATTORNEYS

(Special to the Bonanza.)

CARSON, May 9.—Charging that Receiver Frank L. Wildes of the State Bank and Trust company, perpetrated fraud upon Judge Frank Langan of the Carson District court in obtaining an allowance for salary, Attorney General George B. Thatcher and Attorney William Forman, who have been conducting an investigation into the affairs of Wildes, have filed a motion in the Carson district court to set aside the order allowing attorneys' fees to the receiver. The motion was filed late yesterday.

A second motion was filed asking that the order of Judge Langan allowing attorneys' fees to the extent of \$30,000 to Mack, Green and Heer also be set aside for the reason that the attorney general's office was not notified by service of any action filed or instituted by the bank receiver. It is asserted that such notice should have been given as the receiver was appointed to his position through legal action.

The motion to set aside the order allowing salary for Wildes will prove of general interest and is herewith included in full:

Now comes the above named plaintiff by its attorney general and moves the court to set aside, annul and vacate order heretofore made on the 7th day of March, 1913, allowing and fixing the compensation of F. L. Wildes, as receiver of the State Bank and Trust company for the following reasons and upon the following grounds:

1. That notice of the presentation of the petition or motion for order fixing the compensation of the receiver was ever given or served upon the plaintiff herein or upon the attorney general of the state of Nevada, nor was there any appearance therein on behalf of the plaintiff herein, the state of Nevada.

2. That it appears from the petition of the receiver for said order fixing said compensation and from the order made by the court in pursuance thereof that the entire time, attention and energy of said receiver was consumed and given to the duties of said receiver since the appointment of said receiver on May 15, 1908; when in truth and in fact for a period of nineteen months from and after the 13th day of May, 1908, said Frank L. Wildes, receiver herein, was also deputy state treasurer of the state of Nevada, and during said nineteen months was allowed and received from the state of Nevada a salary at the rate of \$2000 per year as such deputy treasurer, or a total for said nineteen months of \$38,000.

3. That the court upon the hearing of said petition for an order fixing the compensation of said receiver and upon the evidence adduced thereat, found that as a matter of fact "the income from the real estate of the bank has practically paid all expenses of the receivership. When this real estate came into the hands of the receiver, including the Tonopah and Goldfield banks buildings, it was largely vacant and unoccupied. With careful attention and effort these buildings have been filled with paying tenants, and have been made not only self sustaining, but show a profit equal to or not greater than the expenses of the receivership;" when in truth and in fact it is shown on the reports of the receiver on file herein that the gross income from all the real estate up to February 15, 1913, is and was over \$93,452.50, and that the maintenance and expense paid out on behalf of said real estate is and was \$62,056.05, exclusive of taxes, leaving a balance of income from all said real estate the sum of \$31,396.40, from which said net income the taxes paid on said real estate should be deducted, said reports showing that the sum of \$12,574.56 has been paid for taxes, but not showing what amount was paid upon the real estate. Whereas it is shown and appears from the report of the receiver on file herein that the total expense of the receivership, exclusive of expense chargeable to maintenance and expense on real estate is and was the sum of \$145,049.81, leaving a balance of expense of said receivership over and above the net income from said real estate the sum of \$114,653.21, and being nearly four times the net amount of the income from said real estate.

4. That the court upon the hearing of said petition and in its decision and order based upon the evidence adduced at said hearing found that "notwithstanding the fact that the original assets coming into the hands of the receiver are practically intact and of far greater value than when he received them, he has paid over two hundred thousand dollars in dividends over and above all expenses;" when in truth and in fact, as shown by the reports of the receiver on file herein, only \$180,460.34 in dividends have been paid; that there remains due and owing depositors declared dividends amounting to \$32,766.18.

5. That there are allowed outstanding and unpaid preferred claims and judgments amounting to the sum of \$30,461.95 or a total liability of \$63,225.17, and by his reports it is shown that on the 18th day of February, 1913, he had on hand a cash balance of \$10,663.86, leaving a balance due preferred and judgment creditors and unpaid dividends \$52,561.31, which sum must be paid before the depositors can hope for or be entitled to further dividends.

6. That said Frank L. Wildes, receiver herein, on the hearing of said petition for aforesaid order fixing his compensation as such receiver on the 20th day of January, A. D. 1912, as shown by the transcript of proceedings had and testimony taken on the hearing of the petition of the receiver for order fixing compensation and on page 21 thereof, testified that he had paid out in dividends the sum of \$212,000.00, when in truth and in fact as shown by the reports of Frank L. Wildes, receiver and on file, he only paid out the sum of \$180,460.34.

7. That the court upon the hearing of the petition of the receiver for said order fixing his compensation finds "the net results of this policy of conservation is that notwithstanding the fact that the original assets coming into the hands of the receiver are practically intact and of far greater value than when he received them, he has paid over two hundred thousand dollars in dividends over and above all expenses;" when in truth and in fact, no inventory of the assets of said bank on hand at the time said receiver took charge of the same on May 15, 1908, was or has ever been filed in this court, and it was, therefore, and it is now manifestly impossible for the court to determine whether or not the "original assets coming into the hands of the receiver are practically intact."

8. That the court upon the hearing of the receiver for said order fixing his compensation as such receiver, and in its decision and order based thereon, finds that "one law suit, that against the directors, which was settled for \$75,000.00 cash, a clear gain to the bank not coming from its assets;" whereas in truth and in fact, and in law one director, the president of said bank, T. B. Hickey, should under the record disclosed, have been held liable for and legally compelled to pay more than three times the sum obtained by the compromise with all the directors.

9. That the court in determining the amount of compensation of said receiver, Frank L. Wildes, took into consideration the fact that said Wildes gave a bond for one million dollars, when in fact the amount of said bond should not have been taken into consideration in determining the amount of compensation of said receiver for the reason that the premiums demanded by the surety companies furnishing said bonds were paid for and allowed out of the assets of the bank.

10. That the court in determining the amount of the compensation to be allowed said Frank L. Wildes, receiver, took into consideration the testimony of Archibald C. Kains, whose testimony so considered, was taken more than two years prior to the time of its consideration by the court on the hearing of the petition for the order fixing the compensation of said Frank L. Wildes, receiver, which testimony so considered is and was wholly incompetent to be considered by the court in determining the compensation to be paid to the said Frank L. Wildes as receiver, from and after the said testimony was taken.

11. That the court in fixing the compensation of Frank L. Wildes, receiver herein, made an improper and exorbitant allowance to said receiver for the services rendered by such receiver prior to the taking of the testimony of Archibald C. Kains, it being shown by the testimony of said Kains and found as a fact by the court in the fixing of the compensation of the receiver herein that "Mr. Kains is a banker of wide experience having followed that line of work for a period of twenty-eight years, and at the time of the giving of his testimony was the examiner of the banks of San Francisco, his duties being to make a thorough examination of each bank in San Francisco, except savings banks, and the securities back of each loan, said loan amounting to nearly \$200,000.00 in a year," for all of which services Mr. Kains received a compensation of \$15,000.00 per year. Whereas, Frank L. Wildes, receiver herein, during the period of nearly five years only received, disbursed and handled as such receiver the amount of a little over \$400,000 and was allowed by the court a compensation at the rate of \$10,000 a year from the commencement of his administration up to the 18th day of March, A. D. 1910, except for a period of two months, for which two months he was allowed \$1000 per month, and from said 18th day of March, A. D. 1910, up to the first day of August, 1912, being about the date when the action of Frank L. Wildes vs. the directors of the State Bank and Trust company was brought to a close, and the judgments were satisfied, he was allowed \$9000 per year, which allowance is exorbitant, excessive and out of all proportion for the services rendered by him.

12. That it appears from the records of the receiver, Frank L. Wildes, had drawn without any order of court and without any authority, compensation at the rate of \$10,000 per year for all of the time after his appointment.

GOODLY SUM IS SECURED FOR CHARITY SAKE

BENEFIT DANCE IS EXPECTED TO DRAW RECORD BREAKING CROWD.

Over \$1000 is expected to be secured tonight at the benefit dance, the proceeds of which will go to the relief of the two families whose members were injured by the dynamite explosion of last Sunday. As has already been stated a cent will be paid out for the holding of the dance, everything having been contributed by the people of the city. The Casino orchestra was the first to volunteer the music without charge and after this offering had been received the management of the Miners Exchange hall likewise made a similar offer.

Subscription lists have been circulated about Tonopah for the past three days and a goodly number of signatures have been obtained with donations ranging from \$1 upward. The response has been liberal and the total already secured is far greater than was originally expected. Many who have not secured tickets will attend the ball tonight for the purpose of adding their mite and it is expected that one of the greatest crowds ever witnessed will fill the dance hall.

At the Miners hospital today it was announced that Freddie Rowe, the most seriously injured of the three lads, was resting comfortably and was fast gaining strength. His recovery is now believed to be assured, notwithstanding the fact that practically no hope was entertained for him when he was first injured. A dispatch from San Francisco announces that splendid progress is being made by Reuben Shiroda who was taken to the coast to be treated by an eye specialist as the only means of saving his sight. He can clearly discern objects now and it is believed the sight of both eyes will be completely restored. Russell Shiroda, whose leg was shattered by the force of the explosion to such an extent that amputation was necessary, is also gaining strength. His condition has not been regarded as serious notwithstanding his severe injuries, and at the present rate of improvement he will be able to leave the hospital before many weeks pass.

BANKERS PAY BRIEF VISIT TO MONTANA MINE

BRIEF STOP IS MADE IN THIS CITY WHILE ENROUTE TO STATE CONVENTION.

Tonopah was visited this morning by several delegates to the Nevada Bankers association which meets at Goldfield this afternoon. J. Muller of the McGill National bank of San Francisco and F. M. Lee, the Reno banker, constituted the party.

Through the courtesy of A. H. Lowry, superintendent of the Montana company and vice president of the Nevada First National bank, the visitors were shown through the workings of the Montana and also through the mill. The party continued on to Goldfield this afternoon, making the trip by automobile.

MUSIC LOVERS AFFORDED TREAT BY SCHUBERTS

PERFORMERS FROM START TO FINISH PROVES TO BE OF THE HIGHEST CLASS.

"The clearest toned singer ever heard in this city," is the way members of last night's audience at the Nevada theater classed Miss Leota Corder of the Schubert Symphony club.

The local public has never in its history had a better soprano appear on the local concert platform. Her rendition of the Aria from the "Mad Scene" in Ambroise Thomas' "Hamlet," was perfect. Her voice at its natural was as beautiful and bird-like as when she sang some of the lower tones of the piece. In addition to her voice she has the most important of all attributes for the singer—temperament, and she captivated the music lovers last night in a way they will not soon forget.

Thomas Valentine Purcell, the violinist with the club is a master of tone as well as technique and his playing of "Tarantella" was a triumph of his art.

The monologues of Miss Fox were something new in elocution and her delivery was clear, accurate and unaffected. Miss Lovie Zond Purcell, the contralto, pleased immensely and was enthusiastically cheered for her work.

The lady quartette disappointed no one and to miss hearing them is missing something really worth while.

The performance from start to finish was the highest class and most artistic program ever shown in Tonopah. Local music lovers spoke in the highest terms of the entertainment and the Elks lodge under whose auspices the concert was presented, were complimented on securing such an excellent attraction for the city.

MANY NEVADA BANKERS JOURNEY TO GOLDFIELD TODAY TO ATTEND ANNUAL MEETING OF ASSOCIATION

Train No. 24, bound for Goldfield this morning might have been well termed a bankers' special, for it carried representatives from practically every bank in the state and also outside institutions. The bankers will attend the two day's session of the Nevada Bankers' association, which starts this afternoon. The meetings are to be held at the Goldfield Elks club where a number of interesting papers will be read on topics of importance to the banking institutions of the west. Tomorrow afternoon the delegates will visit the Goldfield Consolidated mine and in the evening the annual banquet will take place at the Goldfield hotel.

The program for the two days' session is as follows:

Address of welcome by Judge J. J. Somers; response to address of welcome by John Henderson.

President of the Henderson banking company of Elko; president's remarks by W. E. Johnson, vice president of the John S. Cook bank of Goldfield; secretary's report, J. W. Davey of Reno; treasurer's report, N. H. Byrne, cashier of the First National bank of Elko; report of the legislative committee, R. C. Turrittin, cashier of the Nixon National bank of Reno; address, "Leads," by E. A. Brown, assistant cashier of the California National bank of Sacramento.

At the second session, to be held this evening F. W. Wolfe, assistant cashier of the Bank of California, will deliver an address upon "California's Preparation for Immigration." J. E. Cosgriff, a prominent sheep man of Utah and president of the Continental National bank of Salt Lake, will give an address on "The Future of Sheep Raising."

Two addresses are scheduled for the third session which will be held tomorrow morning at 10 o'clock. W. R. Thomas of the First State bank of

Las Vegas will deliver a talk upon "Artisanal Waters of Nevada," and Russell Lowry, vice president of the American National bank of San Francisco will respond to "The Farmer and the Bank."

Miscellaneous business, resolutions, election of officers and other routine matters will occupy the remainder of the morning session after which the association will adjourn the meeting.

Among the delegates who passed through Tonopah this morning were B. D. Dean of the Crocker National bank of San Francisco; Russell Lowry of the American National bank of San Francisco; J. M. Davey of Reno; W. J. Harris of the Farmers and Merchants National bank of Reno; C. L. Davis of the Wells Fargo Nevada National bank of San Francisco; F. M. Lee of the Nixon National bank of Reno; Grant Marsh of the Farmers bank of Carson Valley at Minden; R. C. Turrittin, of the Bank of Nevada Savings and Trust company of Reno; Geo. W. Taylor; and J. W. Wright of the Washoe county bank of Reno; J. Sheehan of the First National bank of Winnemucca; F. W. Wolfe of the Bank of California of San Francisco, E. Gillis of the National Copper bank of Salt Lake City; John Henderson of the Henderson Banking company of Elko; Mose Reinhart of the Winnemucca State Bank and Trust company; W. W. Nimmer of the Continental National bank of Salt Lake City; A. E. Kimball of the First National bank of Elko; Mr. Muller of the McGill National bank of McGill; C. E. Kaiser of the First National bank of Ogden, and Mr. Waldon, a prominent Napa banker.

Eugene Howell of the Tonopah Banking Corporation joined the delegates and continued on to Goldfield to attend the session.

200 SOLDIERS DIE WHEN THEIR TRAIN MEETS DYNAMITE

FEDERALS WIPED OUT BY REBEL BAND NEAR THE SONORA STATE LINE.

(By Associated Press.)

NOGALES, Ariz., May 9.—A troop of two hundred federal soldiers was destroyed by dynamite and most all killed, according to an official report here. The disaster was near the Sonora-Catricula state line.

JAPAN'S PROTEST IS NOW BEFORE THE CABINET

(By Associated Press.)

WASHINGTON, May 9.—Japan's formal protest to the California alien land bill was submitted today to Secretary Bryan by Ambassador Viscount Chinda. After a half hour conference Bryan submitted to President Wilson the written communication. It is expected that the special log was called. The cabinet members declined to discuss the matter and say the general subject was gone to the conference tomorrow will permit Bryan to announce the result of the conference to the ambassador. Bryan will then return to New York.

BANKING REFORM WILL BE URGED WITH CONGRESS

CURRENCY LEGISLATION BEGINS TO AROUSE APPREHENSION OF THE PRESIDENT.

(By Associated Press.)

WASHINGTON, May 9.—It is announced by Majority Leader Underwood that the house will consider currency legislation about June 1 at the request of the president who urged a conference today on banking reforms to consider a law to be enacted if possible at the present session.

President Kirby of the National Manufacturers' association called on the president's secretary to protest against the provision in the sundry civil bill which prohibits the use against farmers' and workmen's organizations certain appropriations to enforce the Sherman law. Kirby said 200,000 business men would join in the protest. The president has indicated he will sign the bill.

AFTER ONE YEAR SIDEWALK SPACE IS CLEANED UP

RUINS OF BIG FIRE OF 1912 ARE HAULED AROUND THE CORNER.

It was the morning of July 8th, 1912, that the big fire which swept the Bonanza out of business also destroyed the Tonopah and other blocks across the street and next door. Since then the owners of the burned property have been temporizing with fate, hoping and wishing that something would turn up to save them the trouble of spending money in protecting life and property from the tumbling of the tottering walls which have swayed and rocked with every breeze until passersby felt they were taking big chances when they ventured through the burned district.

Now after a year almost the owners of the Tonopah block are showing signs of activity and there is a possibility that they may have a card up their sleeve to surprise the people of Tonopah. Anyway early risers were startled this morning on observing a man and team at work clearing the sidewalk of debris. Stones, steel and bricks have encumbered this space to the great inconvenience of the public and the obstructions will be removed as fast as possible and the scenic beauty of Brougher avenue will be restored to its former grandeur.

DUST DESTROYING GOODS WITHOUT ANY ABATEMENT

WOULF NEGLECT OF TONOPAH STREETS MEANS A SERIOUS LOSS TO MERCHANTS.

Business men are up in revolt against the present county administration which has treated with frivolous ease the demand for an abatement of the dust nuisance. During the past three days a perfect simoon has prevailed and the loss to merchants must necessarily be great. Nothing could exclude the clouds of dust which penetrated the deepest recesses of stores and homes until life became a burden.

Tonopah business men pay enormous taxes and are entitled to some more consideration than they are receiving. When a small store keeper digs up \$35 a quarter for a license to do business and pays rent and taxes he thinks he is paying for something in return. The sprinkling feature has always been deemed of vital importance and in a dry country like this desert, it is not only essential but it is an absolute necessity. For the sake of saving a few dollars a day the county commissioners subject the merchant to the loss of hundreds through stock damage and no attempt is made to remedy the trouble.

Taxpayers have been told that the town is about to experiment with oil roads but such experiments do not abate the dust nuisance. At least the sprinkling could go on during the time when the experiments are being conducted as no results can be expected before next season.

The county dads think they can set the difficulty for all time by applying a coat of crude oil and then let the sprinkling go but they will find they will have to continue a certain amount of watering to keep the surface in good condition.

VASSAR GIRLS ARE AFTER WHITE SLAVERS

POUGHKEEPSIE, N. Y., May 8.

On information gathered by twenty Vassar girls who investigated conditions here, warrants were sworn out for three young men who have fled on learning of the serious charges. The charges approach white slavery. A score more of well known young men have disappeared from their haunts at the alarming news.

SON AND HEIR ARRIVES AT THE PALMER HOME

F. A. Palmer, employed at the Cash Boy mine, was presented with a nine pound son and heir this morning. The new arrival weighs nine pounds. Dr. McLeod, who was in attendance, reports both mother and son as progressing nicely.

COOK STOVES.

No. 7 stoves, reg. price, \$12.50; sale price, \$9.50.
No. 8 stoves, reg. price, \$15.00; sale price, \$10.50.
WOOD-SULLIVAN HARDWARE CO.
131 Main St.